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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,146	03/06/2002	Yoshinobu Imabeppu	1580.1004	5916
21171	7590	04/19/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			AUGUSTIN, EVENS J	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,146

Applicant(s)

IMABEPPU ET AL.

Examiner

Evans Augustin

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/06/2002</u> .                                                           | 6) <input type="checkbox"/> Other: _____                                    |

*Status of Claims*

1. Claims 1-12 have been examined.

*Claim Rejections - 35 USC § 112*

1. The term "The position or a position data" in claims 9 and 10 renders the claim indefinite. The term " The position or a position data" is not defined by the claim, the specification does not provide a clear and precise definition of the term, and one of ordinary skill in the art would not be reasonably apprised of the meaning of the term.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focke et al. (U.S. 6,629,397), in view of Kihara et al. (U.S. 6,298,014).

During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed (In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322) (Fed. Cir. 1989). The current application is being interpreted as encrypted video signal being transmitted

from one geographic location to another via man-made satellite as part of a network, with standard time data included in the signal.

As per claims 1-7, 9-10 and 12, Focke et al. discloses a system in which video data is being exchanged through a network (column 1, lines 55-60). With a camera fitted to machine/product (column 2, lines 13-14), video data can be gathered from a computer located at any distance from the product (column 1, lines 64-67). A sever is connected to the network (column 6, line 43). The network may be a satellite connection (column 6, line 51).

Focke et al. did not explicitly describe a system, which contains date/time data generated by man-made satellite, radio wave and telephone line. However, Kihara et al. describes a system in which standard time signal/data is generated by telephone line (column 1, line 29), man-made satellite (column 1, line 34) and radio wave (column 3, line 60). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that would contain standard time data generated by man-made satellite, telephone line and radio wave to easily and quickly adjust the time information of all appropriate timekeeping means provided in a fixed manner within a prescribed region, or appropriate timekeeping means provided in a movable manner within this prescribed region to the standard time information at that point in time (column 2, lines 43-49).

4. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focke et al. (U.S 6,629,397) and Kihara et al. (U.S 6,298,014), in view of Roop et al. (U.S 5,619,274).

Focke et al. and Kihara et al.'s inventions have been previously disclosed.

Focke et al. and Kihara et al. did not explicitly describe system in which data is encrypted. However, Roop et al. describes a system in which broadcasted data is encrypted (column 2, lines 23-25). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that uses encryption. It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that uses encryption because it would discourage data piracy (column 2 lines 23-26).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - Inamiya (US 5363110) - Positioning system utilizing artificial satellites and positioning method
  - Shimoji (US 6757911) - Digital broadcasting system, digital broadcasting apparatus and a reception apparatus for digital broadcasts
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-7066. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 571-272-6712.

Any response to this action should be mailed to:

Commissioner for Patents

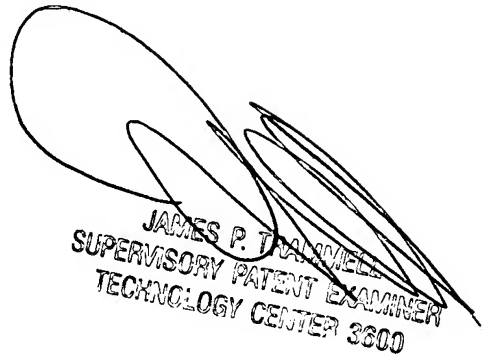
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P.O. Box 1450  
Alexandria, VA 22313-1450

Evens J. Augustin  
April 13, 2005  
Art Unit 3621



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